



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

November 9, 2017

BY CM/ECF

The Honorable Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re:     *United States v. Andrew M. Berke, 17 Cr. 450 (KPF)***

Dear Judge Failla:

A conference is currently scheduled in the above-captioned matter for November 20, 2017. Defendant Andrew M. Berke and the Government jointly request that the Court cancel that conference and instead schedule a change of plea proceeding for December 15, 2017 at 11:30, which date the parties understand to be available to the Court.

In an abundance of caution, the Government respectfully requests that time be excluded for purposes of the Speedy Trial Act between November 20, 2017 and December 15, 2017. This exclusion is in the interests of justice because the delay is in contemplation of a pretrial disposition and is meant to ensure the availability of counsel. The defense has no objection to this request.

Sincerely,

JOON H. KIM  
Acting United States Attorney

by: /s/ Robert Allen  
ROBERT ALLEN  
Assistant United States Attorney  
(212) 637-2216

CC:     Caroline Mehta (by CM/ECF)